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period for publication. Or Professor Parsons may not have considered these omitted cases as deserving of perpetuation. In a work of such a character, we cannot expect to find every insignificant decision, the hundredth repetition of a truism, referred to. It would be a useless waste of type and space. Nor do we expect in a sedate author, that ecstatic triumph over the very last case from the *Law Times* by the steamer just in, or from some shiny volume hot with travel from the farthest West, which counsel sometimes exhibit in a nicely-balanced cause. Still there is a mean which should be observed. Many of the minor cases cited in the old text-books may be suffered to drop into oblivion; but it is better to give all or most of the recent decisions, even where they seem of little value in themselves. It facilitates independent study by counsel, for the best of authors may sometimes in a hasty glance underrate the novelty or importance of an opinion. Besides, it sheds an air of freshness even over a commonplace, to find it verified by some new citations, rather than the old standbys from *T. R., B. & C., Mass., Johns., S. & R.*, and all the other abbreviations which have grown stale on the pages of *Story and Byles*.

To be just, however, to Mr. Parsons, he has employed a great deal of industry and research in the preparation of these volumes, which will be found most useful to student and practitioner. We have only to repeat our regret that he has not directed that research and industry into more untrodden paths.

H. W.

REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME JUDICIAL COURT OF MASSACHUSETTS. By CHARLES ALLEN. Volumes I., II., III. Boston: Little, Brown & Company, 1861, 1862.

We are here presented with a pretty liberal instalment of the labors of a new reporter within some eighteen months, in one of the oldest and most commercial states of the Union. We have nothing to object to the frequent appearance of new volumes of reports, since it is but an expression of the increasing business, wealth, and prosperity of the country, provided always that the cases reported are such as fairly tend to aid the profession in understanding and maintaining the old landmarks and fundamental principles of the profession. In the multiplication of causes, and of counsel, there is some temptation to publish too many cases which add nothing to the common stock of legal learning already possessed. And it is so much the nature of increasing numbers in the profession to depreciate what has gone before, in order to find fitting place for their

own mediocrity, that it will be an evil day for any one who presumes to discriminate between the labors of the past and the present generation of lawyers, unless such discrimination is in favor of the present.

In many of the states, and especially in the old Bay State, the legislature have undertaken to define the duty of the reporter. He is required to report and publish "the decisions upon all questions of law argued and determined before the first day of September in each year, *within ninety days thereafter.*" The only discretion allowed the reporter is, that he is to report the cases "more or less at large according to their relative importance, so as not unnecessarily to increase the size or number of the volumes." This is a very happy illustration of what may justly be called the bathos of legislation, where a convention of men of all trades and pursuits attempt to set themselves forth as wisecracks in other men's matters, and because it is their duty to become wise and experienced, to assume that such is already their condition and to act accordingly.

Under such circumstances the reporter has in fact no discretion, but to publish just what comes to hand; and the judges have no discretion, but to give formal opinions in every case, and thus practically make all cases, as nearly as possible, of precisely the same importance. This process of equalization has been going forward in this country, at a most hurried pace, for the last half century, until almost all the departments of office and trust have fallen into the hands of the unprofessional and the half-educated, and it now remains to be seen how the experiment will finally succeed.

Mr. Allen, with very commendable zeal, and, we conjecture, with no inconsiderable labor and watchfulness, has certainly contrived, to compensate the embarrassments of faulty legislation, and in spite of the folly of his masters, to maintain the established character of the Massachusetts Reports, in a degree quite beyond what one could have expected, under the circumstances. These volumes compare not unfavorably with the best specimens of Massachusetts Reports, and that is saying a good deal, when we reflect that the former reporters reckon among their number some of the ablest jurists and most careful writers of this ancient commonwealth. Every law library in the country, of sufficient extent to prepare a brief, cannot afford to be without these volumes. The mechanical execution is excellent, and Mr. Allen will soon become, we venture to predict, one of the very best reporters in this broad empire.

I. F. R.